

Christopher Cuenza  
1224 S W 11th Unit E  
Los Angeles CA 90037

FILED

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

2025 MAY 29 AM 10:07

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY: 

Jorge Alejandro Rojas,

Plaintiff,

v.

Christopher Gutierrez Cuenza, et al.,

Defendants.

Case No.: 2:23-cv-02667-AH-KS

Judge: Hon. Anne Hwang

Request

DEFENDANT CHRIS CUENZA'S ~~MOTION~~ TO SET ASIDE DEFAULT  
JUDGMENT

TO THE HONORABLE COURT:

Defendant Chris Cuenza, appearing pro se, respectfully moves to set aside the  
default judgment entered on April 30, 2025, under Federal Rules of Civil  
Procedure 55(c) and 60(b)(1).

BACKGROUND

1. **\*\*No Proper Service\*\***: I was never personally served with the Complaint or Summons. I first learned of this lawsuit in May 2025.
2. **\*\*Limited Role\*\***: My work was strictly administrative (e.g., document preparation) as a 1099 contractor. I had **\*\*no authority\*\*** over marketing, vendors, or call campaigns.
3. **\*\*No Profit\*\***: I earned only a modest salary for basic living expenses, not profits or commissions from the business.

## LEGAL BASIS

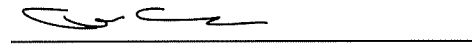
1. **\*\*Rule 55(c)\*\***: Good cause exists to set aside default due to excusable neglect (improper service).
2. **\*\*Rule 60(b)(1)\*\***: Judgment resulted from mistake/lack of notice (\*Kemp v. U.S.\*, 142 S. Ct. 1856 (2022)).
3. **\*\*Meritorious Defense\*\***: I lacked control over the alleged TCPA violations (\*Golan v. Veritas Ent.\*, 2016 WL 3548766).
4. **\*\*No Prejudice\*\***: Setting aside the judgment will not harm Plaintiff (\*Franchise Holding II LLC v. Huntington Rests. Grp.\*, 375 F.3d 922, 925–26 (9th Cir. 2004)).

## REQUESTED RELIEF

1. Vacate the default judgment entered April 30, 2025.
2. Allow 21 days to file a responsive pleading.
3. Grant 30 days (until June 30, 2025) to supplement evidence (tax returns, business records).

DATED: May 29, 2025

Respectfully submitted,



Chris Cuenza

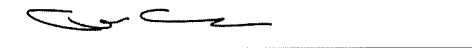
Defendant, Pro Se

#### DECLARATION OF CHRIS CUENZA

I, Chris Cuenza, declare under penalty of perjury under the laws of the United States:

1. I was never served at my current address: 228 S Ave 18, Unit E, Los Angeles, CA 90031.
2. I had no role in authorizing calls or marketing.
3. My income was limited to administrative work, not profits.
4. I am gathering evidence and will file it by June 30, 2025.
5. I lack the financial means to satisfy this judgment without severe hardship.

Executed on May 29, 2025, at Los Angeles, California.



Chris Cuenza



1. Default judgment **\*\*VACATED\*\***.
2. Defendant has 21 days to file a responsive pleading.
3. Defendant may supplement evidence by June 30, 2025.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### PROOF OF SERVICE

I, Chris Cuenza, certify that on May 29, 2025, I served this <sup>Request</sup> [REDACTED] Jorge Rojas via email to rojas.jorge96@gmail.com.



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Chris Cuenza